Lynch, Cynthia

From: Kappos, David
Sent: Tuesday, November 09, 2010 12:49 PM
To: Beresford, Lynne; Hickey, Toni; Barner, Sharon; Cohn, Debbie; Marsh, Sharon; Lynch, Cynthia
Subject: RE: The TTABlog(r) - TTAB Bully Watch: Major League Baseball Opposes Design Mark Comprising a Head Wearing a Reversed Baseball Cap

Humm. Not sure I would have called this bullying.

David J. Kappos
Under Secretary of Commerce for Intellectual Property &
Director of the United States Patent and Trademark Office
Email: David.Kappos@uspto.gov
Phone: 571-272-8600

From: Beresford, Lynne
Sent: Tuesday, November 09, 2010 10:58 AM
To: Kappos, David; Hickey, Toni; Barner, Sharon; Cohn, Debbie; Marsh, Sharon; Lynch, Cynthia
Subject: FW: The TTABlog(r) - TTAB Bully Watch: Major League Baseball Opposes Design Mark Comprising a Head Wearing a Reversed Baseball Cap

More bullymania

From: Lockhart, Timothy [(b)(6)]
Sent: Tuesday, November 09, 2010 9:26 AM
To: Beresford, Lynne
Subject: FW: The TTABlog(r) - TTAB Bully Watch: Major League Baseball Opposes Design Mark Comprising a Head Wearing a Reversed Baseball Cap

Lynne FYI re trademark bullies. Best, Tim

From: FeedBlitz [mailto:feedblitz@mail.feedblitz.com]
Sent: Tuesday, November 09, 2010 6:35 AM
To: Lockhart, Timothy
Subject: The TTABlog® - TTAB Bully Watch: Major League Baseball Opposes Design Mark Comprising a Head Wearing a Reversed Baseball Cap

The TTABlog® - TTAB Bully Watch: Major League Opposes Design Mark Comprising a Head Wearin Reversed Baseball Cap

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League Baseball Opposes Design Mark Comprising a Head Weari Baseball Cap

For be it from me to say who's a trademark bully, but let's consider this trademark opposition. You be the umpir has filed a Section 2(a) opposition to registration of the design mark shown immediately below, for various clot the mark would create a false connection between Applicant and MLB in the minds of consumers. *Major League v. Michael MacLaverty*, Opposition No. 91194816.

MLB alleges that it has "long placed its Rectangular Marks (shown below) on the center of the back of baseball ca distributed and promoted by Opposer, and Opposer's Rectangular Marks and the placement of such marks on O (sic) well-known to consumers, fans, press, media and the public."

(Note that Applicant's mark is not a rectangle on the back of a cap, but the complete drawing shown above.)

According to MLB, "Applicant's Mark features a man wearing a baseball cap bearing a rectangular shape that is identical to the rectangular shape of Opposer's Rectangular Marks, and which is positioned in the exact location that Opposer's Rectangular Marks are positioned in connection with baseball caps. Upon information and belief, Applicant, retailers, and consumers and the public will understand, the rectangular shape on the hat in Applicant's Mark to be associated with Opposer."

What say you? Do you think MLB has rights in rectangular-shaped designs placed on the back of baseball caps? Do you think there is any likelihood that consumers will connect the applied-for design with Major League Baseball? If you were Applicant, what would you do?

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